UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED
MAR 01 2017
JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY KM DEP CLK

United States of America
v.
Raymundo Barrios-Jimenez

Defendant(s)

Case No. 5:17-mj-1153-JG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 1, 2017 in the county of Franklin in the Eastern District of North Carolina, the defendant(s) violated:

Code Section	*Offense Description*
8 U.S.C. § 1326(a)	The defendant, an alien, was found in the United States after having previously been denied admission, excluded, deported and removed from the United States on or about March 9, 2011, at Calexico, California, and again on March 31, 2011, at Calexico, California, and not having obtained the express consent of the Attorney General, or his successor, the Secretary of Homeland Security, to reapply for admission thereto.

This criminal complaint is based on these facts:

please see attached affidavit

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Ronald Dorman, Deportation Officer, ICE
Printed name and title

On this day, Ronald Dorman appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Complaint.

Date: 1 March 2017

[signature]
Judge's signature

City and state: Raleigh, North Carolina

JAMES E. GATES, U.S. Magistrate Judge
Printed name and title

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, Ronald Dorman, having been duly sworn, do hereby depose and state: I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), formerly known as the Immigration and Naturalization Service (INS), assigned to the Raleigh, North Carolina office. I began my federal law enforcement career with the United States Border Patrol on January 2nd, 1996. In December of 2008, I transferred to ICE and have been continuously employed in my current position since that time. My duties routinely include the investigation of violations of the federal criminal statutes concerning immigration offenses, including the reentry of illegal aliens into the United States.

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for Raymundo Barrios-Jimenez (here after referred to as "BARRIOS") for reentry by an alien previously deported in violation of Title 8 U.S.C. § 1326(a). This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause.

3. In the course of investigating this matter, I have obtained information through law enforcement channels and the

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official Alien File (A-File) numbered A201 153 325. This file is maintained in the name of Raymundo Barrios-Jimenez and contains this individual's biographical information, family history, records of encounters with ICE, conviction records, photographs and fingerprints. Based on the review of this A-File, I have concluded that it does in fact pertain to the defendant in this matter.

4. The A-File reflects the following information relative to this individual:

a. BARRIOS is a citizen and national of Mexico.

b. His date of birth is July XX, 1981 and his name is correctly reflected in this affidavit and the complaint to which it is attached.

c. BARRIOS initially entered the United States unlawfully at an unknown place and date.

d. BARRIOS was, on March 7, 2011, arrested by the Border Patrol in Douglas, Arizona. BARRIOS was advised of his administrative rights and stated that he was a citizen of Mexico who unlawfully entered the United States.

e. BARRIOS was, on March 9, 2011, ordered removed from the United States to Mexico.

f. BARRIOS was, on March 9, 2011, advised of the

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penalties for reentry and removed from the United States to Mexico at Calexico, California.

g. BARRIOS, of his own volition, reentered the United States on or after March 9, 2011, and did so without obtaining the express consent of the Attorney General, or his successor the Secretary of Homeland Security, to reapply for admission.

h. BARRIOS was, on March 31, 2011, arrested by the Border Patrol in Ocotillo, California. A complete set of fingerprints taken subsequent to that arrest and submitted to FBI and ICE databases resulted in a positive biometric match for a previously removed alien. BARRIOS was advised of his *Miranda* rights. BARRIOS waived his *Miranda* rights and voluntarily provided a sworn statement in which he admitted to entering the United States unlawfully after having been previously removed.

i. BARRIOS was, on March 31, 2011, served with a Notice of Intent to Reinstate Prior Order. BARRIOS waived his right to contest the determination.

j. BARRIOS was, on March 31, 2011, advised of the penalties for reentry and removed from the United

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States to Mexico at Calexico, California.

k. BARRIOS, of his own volition, reentered the United States on or after March 31, 2011, and did so without obtaining the express consent of the Attorney General, or his successor the Secretary of Homeland Security, to reapply for admission.

5. A search of ICE databases reveals that BARRIOS did not seek permission of the United States Attorney General to re-enter as required by 8 U.S.C. § 1360(d). A certificate documenting this is expected within 30 days.

6. On February 23, 2017, ICE Special Agent (S/A) William McLane received credible information indicating that BARRIOS was residing at XX Banes Road in Spring Hope, North Carolina. The tip further identified that residence as being involved in the distribution or sale of narcotics.

7. Subsequent to receiving the above tip, S/A McLane drove by the residence and observed a Cadillac Avalanche bearing North Carolina license plate # ZZP-3285 parked on the lot. According to the North Carolina Division of Motor Vehicles, that vehicle is registered to BARRIOS and associated with North Carolina driver's license (NCDL) number 23435115. The photograph associated with that NCDL matches the photograph of BARRIOS taken by the Border Patrol on March 31, 2011.

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8. On March 1, 2017, at approximately 10:00 AM, S/A McLane and ICE S/A Luis Castrillon along with deputies with the Franklin County Sheriff's Department arrived at XX Banes Road in Spring Hope, North Carolina to investigate the tip. Upon knocking on the front door, an adult male appeared at the window. S/A Castrillon could see the subject clearly and positively identified him as BARRIOS based upon photographs associated with his prior removals. As of March 1, 2017, at 1:00 PM, BARRIOS has refused repeated requests to come to the door and remains inside the residence.

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7. Based on all of the foregoing, I, Ronald Dorman, believe that there is ample probable cause to conclude that Raymundo Barrios-Jimenez is in fact guilty of illegal reentry into the United States by an alien previously removed, in violation of Title 8 U.S.C. § 1326(a), and respectfully ask that the Court issue a warrant ordering his arrest for such crime.

Further your Affiant sayeth not.

Ronald Dorman
Deportation Officer
Immigration & Customs Enforcement

On this 1st day of March, 2017 Deportation Officer Ronald Dorman appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this affidavit.

JAMES E. GATES
United States Magistrate Judge
Eastern District of North Carolina